

Request for Reconsideration under 37 C.F.R. § 1.116
U.S. Appl. No. 09/771,631

Information Disclosure Statement

Applicants respectfully request again that the Examiner return an initialed copy of Form PTO-1449 as filed with the Information Disclosure Statement on January 30, 2001 (i.e., Larsen, Amy K, The Next Web Wave, Data Communications Vol. 25, No. 1 (Jan. 1996), pp. 31-32, 34). A courtesy copy of a Form PTO-1449 listing the Larsen reference is enclosed, as was already done on December 29, 2003.

Claim Rejections

Claims 1-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Saucedo et al. (USP 5,754,738). For the reasons set forth below in the Arguments section, Applicant respectfully traverses the rejection of claims 1-16 and requests favorable disposition of the application.

Withdrawal of Finality of Office Action

In the present office action the Examiner indicates that claims 15 and 16 “are rejected under Title 35 U.S.C. § 102(b) as being anticipated by Saucedo et al. (USPN 5,754,738) as set forth in paper #10.” It is respectfully noted, however, that claims 15 and 16 were added to the application after the date of paper #10 and, thus, any reasons for rejecting claims 15 and 16 are not, and could not have been, set forth in paper #10. Specifically, paper #10, i.e., the first office action, was mailed on August 27, 2003 and claims 15 and 16 were added by virtue of the Amendment filed on December 29, 2003. Therefore, paper #10 does not include any basis for a rejection against either of claims 15 or 16. Specifically, nowhere in the record is there any explanation as to where in the prior art all of the limitations recited in claims 15 and 16 can be

found. Moreover, if the Examiner intends to rely on a combination of references to reject claims 15 and 16, it is incumbent upon the Examiner to provide an explanation as to why a skilled artisan would have been motivated to combine the references in the manner proposed by the Examiner. For at least these reasons Applicant respectfully requests that the finality of the present office action be withdrawn and the grounds of rejection of claims 15 and 16 be provided in a subsequent office action.

In the alternative, after full consideration of the remarks herein, if the Examiner is either unable or unwilling to remove the finality of the present office action, a new, final, office action is requested with the date for responding reset and providing a response to the remarks provided herein.

Arguments

As argued previously, Applicant submits that the system disclosed and claimed in the present application is very different from the system disclosed in the Saucedo et al. reference. In particular, the system of the instant application relates to an information, operation and monitoring system for a *real* device, such as an automation system, wherein the *real* device includes several *real* subcomponents. (Page 1, lines 6-10). That is, as clearly set forth in the application and as expressly claimed, the present invention includes a data processing device that embodies the information, operation or monitoring system that corresponds to an actual, physical, existing system, such as an automation system. The data processing device stores a model of the real device and the model structure is formed by linking virtual components that

correspond to, for example, “the technical relationships between the respective real subcomponents of the real device.” (Page 3, lines 1-9).

One of the disclosed benefits of such a system is to provide a uniform user interface for a variety of different data sources. For example, “process data of an automation system is frequently represented or displayed by special operation-and-monitoring-systems, whereas user documentation, for instance, is often available on paper only.” (Page 1, lines 14-19). By providing a system such as the one disclosed and claimed in the present application, a user can monitor and control the operation of the real system and its real subcomponents and also access various associated data corresponding to the real system and real subcomponents.

Saucedo et al., on the other hand, is directed to “a computerized prototyping system containing a virtual system design environment, and more particularly, to a computerized prototyping system which allows a user ... to dynamically change a model and to reevaluate its functions, and to automatically optimize the model with the help of a knowledge based expert system.” (Col. 1, lines 7-13). That is, the system disclosed in Saucedo et al. is clearly different from the system disclosed and claimed in the present application because the system in Saucedo et al. is for assisting in the “*conceptual* design phase” (Col. 1, line 19) of a system and it has nothing to do with the operation or maintenance of a *real* system or the sharing of technical information between *real* subcomponents of the *real* system, as disclosed and claimed in the present application.

Moreover, the differences between a system that provides real data for real, existing, devices to help operate and monitor the real system and a system that models a conceptual

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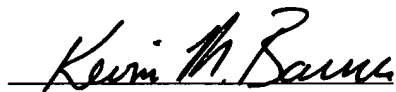
system for the purpose of optimizing a potential design of a potential, non-existing system, are substantial. For example, the system as claimed can be used to discover and fix real problems in the system that would not and could not have been foreseen in the conceptual model system disclosed in Saucedo et al. For at least the above reason, and because each of claims 1-16 expressly recite a real device and/or real subcomponents in both the preambles and the bodies of the claims, the claims of the present application are patentable over the asserted prior art and the rejection of the claims should be withdrawn.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-16, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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